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Selectmen Minutes 03-03-2001

TOWN OF ARLINGTON BOARD OF SELECTMEN

Meeting Minutes

Saturday, March 3, 2001

9:00 a.m.

Present: Mr. Greeley - Chair, Mr. Lyons - Vice Chair, Mrs. Dias, Mr. Hurd, Mrs. Mahon

Also Present: Mr. Farrington, Mr. Maher, Ms. Cove

The Chairman opened the meeting by giving an overview of the purpose and process for the hearings.

Article 16 – Zoning Bylaw Amendment/Affordable Housing (Comment Only)

Ms. Weiner explained the intent of the article that would provide that all future development with five or more units would have to provide 15% affordable housing. Town Counsel explained that he would like to review the matter more closely.

Mr. Lyons arrived at 9:10 a.m.

Mr. Lyons moved to support the concept of the article subject to the review of Town Counsel and the Redevelopment Board.

SO VOTED

Steven Andrews, 16 Wadsworth Road expressed his reservation in placing the burden of affordable housing on the individual property owner or developer.

Neil Mongold, 12 Brattle Place, was present to speak in favor of the article.

Elsie Fiore, 58 Mott Street expressed her support for Affordable Housing but expressed concern over use of the limited open space in Arlington.

Article 22 – Resolution/Housing Affordability

Laura Wiener, Coordinator of Fair Housing

Ms. Weiner presented the Board with a draft resolution for their consideration. Members of the Board expressed concern over some of the language, particularly a setting a policy to earmark 20 percent of all CDBG funds for the future for the purpose of affordable housing. Mr. Lyons explained the importance of a commitment from the Town in order to make changes in the housing stock in Arlington viable.

Mrs. Dias requested that Mr. McClennen report on the possible implications of favorable action on the resolution.

Mr. Lyons moved favorable action on the resolution as amended (striking out a reference to a percentage of CDBG funds and clarifying the protection of open space in Town) SO VOTED

A final version of the resolution will be presented to the Board before Town Meeting.

Article 28 – Bylaw Amendment/Wetlands Protection

Cori Beckwith, Conservation Commission Administrator

Town Counsel recommended favorable action on the article and explained the implications. Mrs. Dias moved favorable action and further stated that the Board should offer it's support for the Conservation Commission to have more flexibility and stated her trust that the commission will use their powers judiciously. SO VOTED

Elsie Fiore, 58 Mott Street expressed that she would like to speak to the Conservation Commission before supporting the article.

The Board took a break at 9:55 a.m.

The Board returned to session at 10:50 a.m.

Article 26 – Bylaw Amendment/Overgrowth on Public Ways

Jack Jones, Commission on Disability

Mr. Jones explained the intent of the article. Overgrowth on the public way causes a particular hardship for persons with disabilities. Mr. Hurd moved favorable action. SO VOTED

Elsie Fiore, 58 Mott Street was present to speak and express concern that trees not be overly pruned or have their roots compromised.

Article 24 – Bylaw Amendment/Adjustments to Town Fees

Inserted at the Request of the Finance Committee

Allan Tosti, Chair of the Finance Committee explained the purpose of the article. Mr. Lyons moved favorable action on the article to support recommended changes by Town Department Heads and further that the Selectmen will consider their fees at a later meeting. SO VOTED

Article 20 – Zoning Bylaw Amendment/Bylaw Amendment/Open Space for Public Use

Mrs. Mahon moved no action and explained that there would be a resolution offered at Town Meeting. SO VOTED

Article 44 – Lane Markings and Crosswalks/Massachusetts and Park Avenues

Mr. Marinelli, 28 Brooks Avenue, gave a comprehensive presentation to the Board on road and traffic issues.

After much discussion, Mr. Hurd moved favorable action. SO VOTED

Article 35 – Transportation Committee

Mr. Hurd recommended no action on this item as the Board is currently in the process of forming such a committee. Mr. Marinelli expressed his desire to have input on the matter at the hearing.

The Chair asked that this matter be postponed to a future meeting.

Article 41 – Request for Legislation – Speed Limits

Mr. Marinelli spoke in favor of this article and offered statistics on survival rates at various speeds. Mrs. Mahon explained why it was reinserted in this year's warrant. Mrs. Mahon recommended favorable action. Mrs. Dias moved favorable action. SO VOTED

Article 45 – International Crosswalk Design

Paulo Marinelli

He provided examples of the visibility they provide to motorists. He also made a recommendation on the type of materials to use that are long lasting. Representatives of the Walking in Arlington group spoke in favor of the article.

Mrs. Dias moved favorable action. SO VOTED

David Stoff, 88 Fairmont Street and Elsie Fiore, 58 Mott Street, were complimentary of the articles to improve pedestrian and traffic safety.

Article 27 – Bylaw Amendment/Building Regulations

Inserted at the Request of the Bylaw Recodification Committee

Town Counsel requested that the matter be tabled. Mrs. Mahon moved to table the matter. SO VOTED

Article 78 – Community Health Center/Symmes Hospital

Jean Hopkins, 105 Mt. Vernon Street, was present to explain the intent of the article. Mr. Lyons moved favorable action on the concept of the article as amended. SO VOTED

Article 33 – Bylaw Amendment – Cooking Odors

George Berberian, 209 Broadway was present to explain the intent of the article.

Town Counsel explained that there are already rules in place for dealing with these issues through the state and the Town's Board of Health.

Steve Andrews representing the Chamber of Commerce, was present and requested that the Board be cautious to not over regulate Town businesses.

Mrs. Mahon expressed her to desire to move forward and establish a set of policies on this matter. Mrs. Mahon moved favorable action.

(1-4) Mrs. Mahon voted in the affirmative. SO VOTED

Mr. Lyons moved to support Town Counsel's recommendation that this matter remain in the hands of the Board of Health and that the Board vote no action.

(4-1) Mrs. Mahon voted in the negative. SO VOTED

Article 34 – Land Conservation Policies

Brian Rehrig, 28 Academy was present to explain the intent of the article.

Mr. Lyons moved favorable action. SO VOTED

Mr. Lyons asked that the following votes be recorded as he would not be able to attend the afternoon session of the meeting.

Article 32 – Bylaw Amendment – Submission of Minutes

Jacqueline Harrington

No Action

Article 38 – Acceptance of Legislation – Fitness Standards

Dennis Mahoney

Favorable Action

Article 29 – Bylaw Amendment – Commercial Trash Collection Fees

No Action

Article 30 – Bylaw Amendment – Special Trash Collection Fees

No Action

Article 31 – Bylaw Amendment – Mercury Sales Ban

Freeland Abbott, Recycling Committee

Abstain

Article 42 – Request for Legislation – Education Policy/Town Meeting

Ken Marquis

No Action

Article 43 – Request for Accidental Retirement Benefit/Albert Spina

Joe Roselli

No Action

Article 81 – Sale of Town Land – Peabody Road

Cathleen Dwyer

Abstain

12:30 p.m. – 1:00 p.m. – Lunch Break

Mr. Lyons was no longer present.

Article 38 – Acceptance of Legislation – Fitness Standards

Dennis Mahoney, 12 Dickson Avenue was present to explain the intent of the article.

Mrs. Mahon moved favorable action.

Town Counsel presented the Board with several reasons why this is not an advisable action for the Town to take at this point in time. He also explained that he, the Town Manager, Director of Personnel, Director of Police and Director of Fire are all in agreement to recommend no action on this article.

Mrs. Mahon requested a report on the possible impact of implementation of these standard. Mr. Maher indicated that he would report back to the Board on the matter.

John Dunlap, Director of Personnel offered statistics on how this would impact the present fire and police staff.

The Board discussed the matter at length.

On Mrs. Mahon's motion: 3-2 Mrs. Dias and Mr. Greeley voted in the negative. SO VOTED

Article 29 – Bylaw Amendment – Commercial Trash Collection Fees

Mr. Abbott gave an explanation of the intent the article. Mr. Abbott explained that the article specifically addresses the size of a unit of pickup for trash pickup and is an attempt to focus on the amount of trash and its relative cost. Mrs. Mahon moved favorable action.

4-1 Mr. Lyons voted in the negative. SO VOTED

Article 30 – Bylaw Amendment – Special Trash Collection Fees

Mr. Abbott gave an explanation of the intent the article.

Mrs. Mahon moved no action. SO VOTED

She explained that she does not want to put an additional fee on the taxpayers that currently enjoy this privilege for free. She added that she would like to see penalties in place for those who abuse the law. The Board supported looking further into abuses and appropriate penalties.

Peter Ellison, Chair of the Recycling Committee gave the environmental advantages of favorable action on the article. Elsie Fiore also spoke in favor of the article.

Article 31 – Bylaw Amendment – Mercury Sales Ban

Mr. Abbott gave an explanation of the intent the article.

Steve Andrews spoke against favorable action of this article because he feels the positive impact of a bylaw would be negligible.

Mr. Abbott recommended waiting until the Board of Health has taken a position. Mr. Hurd moved to postpone the article.
4-0-1 Mr. Lyons abstained. SO VOTED

Article 42 – Request for Legislation – Education Policy/Town Meeting

Dean Hillis, 17 Mt. Vernon Street introduced Ken Marquis, 27 Mt. Vernon Street and offered his support for the article. Mr. Marquis explained the intent of the article. Mrs. Mahon explained that there is currently a process in place through Town Meeting and that in her opinion it is a fair and equitable process. The Board supported Mrs. Mahon's sentiments. Mrs. Mahon moved no action. SO VOTED

Article 43 – Request for Accidental Retirement Benefit/Albert Spina

Joe Roselli, 14 Lake Street

Mr. Roselli reviewed the history of Mr. Spina's request to receive an additional benefit.

The Chairman asked if the proponents would be satisfied if legislation were filed to have the case heard by PERAC. Mr. Roselli indicated they would.

Mrs. Mahon and Mr. Hurd spoke in support of Mr. Spina.

The Chairman requested that Mr. Maher draft a substitute motion to reflect filing of home rule legislation to have PERAC review the matter.

Mrs. Fiore rose to thank Mr. Spina for his service to the Town.

Mr. Spina, 71 Williams Street, spoke on his own behalf.

Mrs. Mahon moved favorable action. 2-2 Mr. Greeley and Mr. Dias voted in the negative. SO VOTED

Mr. Greeley said that he felt uncomfortable recording Mr. Lyons vote. He asked that the matter appear on a future agenda for the full Board's attention.

Article 81 – Sale of Town Land – Peabody Road

Mary Winstanley O'Connor spoke on behalf of the residents of 128 Pleasant Street as their attorney. The condominium association has maintained a strip of town owned land that they would like to now purchase to make exiting their building more safe when entering Pleasant Street. Mrs. Dias asked that the deed restrict very narrowly the way in which the area is modified.

Mrs. Dias moved to table the matter until the neighbors can be consulted.

4-0-1 Mr. Lyons abstained. SO VOTED

Ms. Winstanley also spoke to Article 79. The article references a home at 821 Massachusetts that is being given to Town as a gift.

Article 32 – Bylaw Amendment – Submission of Minutes

Jacqueline Harrington, was not present.

Mr. Hurd moved no action. SO VOTED

Mrs. Mahon thought there was some merit to the article in terms of getting information to the public.

Mrs. Mahon moved to adjourn the meeting at 3:10 p.m. 4-0 SO VOTED

A true record.

Attest:

Caryn E. Cove
Board Administrator